

## **ARTICLE XXI**

### **ZONING BOARD OF APPEALS**

#### **SECTION 21.01 CREATION**

A Board of Appeals is hereby established.

#### **SECTION 21.02 MEMBERSHIP**

There shall be five (5) members of the Board of Appeals as follows:

- a. A member of the Commission.
- b. Electors residing in the Township which shall be representative of the population distribution and of the various interests present in the Township. One of these members may be a member of the Board.

An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Board may not serve as a member or an employee of the Board of Appeals.

#### **SECTION 21.03 TERM OF OFFICE**

Terms shall be for three (3) years, except for members serving because of their membership on the Commission or Board, whose terms shall be limited to the time they are members of the Commission or Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

#### **SECTION 21.04 PER DIEM**

Members of the Board of Appeals may be paid per diem, plus expenses actually incurred, if appropriation for such payment is made in advance by the Board; otherwise, the members will serve without pay.

#### **SECTION 21.05 PROCEDURES**

The Board of Appeals shall appoint one (1) of its members to be Chairman and one (1) to be Secretary, and it shall establish rules and regulations to govern its procedure when acting upon appeals. A majority vote of its members shall be required to reverse any decision or determination of the Administrator or to approve any variation in the application of this Ordinance. The Board of Appeals shall not conduct business unless a majority of its members are present.

#### **SECTION 21.06 MEETINGS**

All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

## **SECTION 21.07 POWERS**

The Board of Appeals is empowered to act upon the following matters, and upon no others:

1. Questions arising in the administration of this Ordinance, including interpretation of the Zoning Map.
2. All matters which this Ordinance properly refers to the Board of Appeals for determination.
3. Appeals from actions of the Administrator.
4. Cases in which strict application of the provisions of this Ordinance would result in undue hardship; provided, that the spirit of this Ordinance is observed, even though certain restrictions may be waived to provide substantial justice.
5. Those powers and duties as may be established and delegated by the Board and Michigan statute.

## **SECTION 21.08 APPEALS**

Any individual, corporation, association officer, department, board or bureau of the Federal, State, County or Township may appeal any determination of the Administrator for review by the Board of Appeals. Such appeal shall be made within such time as shall be prescribed by the Board of Appeals by general rule and in such manner as the Board of Appeals shall establish. A notice of the Appeal specifying the group is thereof shall be filed with the Secretary of the Board of Appeals and the Chairman of the Commission together with a fee as set and published by the Board, said fee to cover costs of the appeal and shall be paid to the Clerk before the appeal shall be accepted by the Board of Appeals.

## **SECTION 21.09 STAY OF PROCEEDINGS**

An appeal stays all proceedings in the action appealed.

## **SECTION 21.10 HEARINGS**

The Board of Appeals shall fix a reasonable time for hearing of an appeal and shall give due notice thereof to all parties concerned, and shall decide the issue in a reasonable time, said decision to provide that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

## **SECTION 21.11 FURTHER APPEAL**

Any decision of the Board of Appeals may be appealed to the Circuit Court.

## **SECTION 21.12 SEPARABILITY**

If any clause, sentence, subsentence, paragraph, section or part of this Ordinance be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subsentence, paragraph, section or part directly involved in the controversy in which said judgment shall have been rendered.